

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: ~~7-27-73~~, by Pltff. *waved*

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p><u>COMMERCIAL SOLVENTS CORPORATION</u> and <u>THE HOME INSURANCE COMPANY,</u></p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">VS.</p> <p><u>LIBERTY MUTUAL INSURANCE COMPANY,</u></p> <p style="text-align: center;">Defendant.</p>	<p>For plaintiff: Harold Davis Davis and Davis 116 John St. New York, N.Y. 10038 962-1111</p> <p>Dan A. Rogers (for Home Ins. Co.) 117 E. 5th Tulsa, Okla. 74103 583-5111</p> <p>Bert Johnson (Commercial Solvents Corp) Watts, Looney, Nichols, Johnson & Hays Room 300, 219 Couch Drive Oklahoma City, OK 73102 405-235-7641</p> <p>For defendant: Townley Updike Carter & Rodgers 220 E. 42nd St. New York, N.Y. 10017 MU 2-4567</p> <p>Joseph A. Sharp, Best, Sharp, Thomas & Glass 200 Franklin Bldg., Tulsa, Okla. 74103 582-7371</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 4-1-74	Clerk				
J.S. 6 mailed 12-1-77	Marshal				
Basis of Action: Action on Insurance Policies - \$105,000.00.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-8-74	1. Transcript of pleadings from the Southern District of New York, including the Memorandum transferring the case to this district, filed. v	
3-15-74	2. ^{Ready PT} Entry of appearance on behalf of Liberty Mutual Ins. Co., filed. g	
5-17-74	Parties directed to hold pre-trial conference on or before 6-24-74 and file pre-trial order on or before 7-1-74. (AEB-J)hm	
6-24-74	3. Appl'n. of pltf. for extension of time to complete pre-trial discovery, filed. lm o ag	
6-24-74	4. ORDER, filed, ext. time to complete pre-trial discovery to 9-21-74. (AEB-J)g cpies mailed.	
7-17-74	5. App. to set time for deft. to respond to or move to vacate notice for production of documents, filed. v -order to Judge.	
7-18-74	6. ORDER, filed, deft. given 15 days from date of service to respond to pltf's Notice for Production and Discovery of Documents. (AEB-J) lm cpies mailed.	
7-18-74	7. Notice for Production & Discovery of Documents, filed by pltfs.k	
7-22-74	8. Notices to take depositions of Fred G. Mason, Douglas Boeckmann, James L. Sykes, Parker M. Morrell & "John" Portmann, filed. g	
10-15-74	9. Deft. Liberty Mutual Ins. Co.'s appl. for time til 12-1-74 to file Pretrial order, filed.k c 4c 5	
11-7-74	10. ORDER, filed, granting ext. of time to 12-1-74 to deft, Liberty Mutual Insurance, to prepare and file P/T Order. lm cpies mld.	
11-26-74	11. Order, filed, granting Deft. Liberty Mutual Insurance Co. until 12-10-74 to file Pre-Trial Order. (AEB-J)v -copies mailed.	
12-11-74	12. Deft's proposed pre-trial order, filed.k	
1-22-75	13. Pltfs' proposed pre-trial order, filed.k	
2-13-75	Case set for jury trial on 3-10-75, at 9:30 A.M. (AEB-J)b nts mld	
2-18-75	14 Pretrial Order, filed. (AEB-J)g	
2-26-75	15. Waiver of Jury trial, filed. b	
3-3-75	16. Order striking case from jury docket of 3-10-75, to be reset on first available non-jury docket after 4-1-75, filed.(AEB-J)b cps mld.	
3-21-75	Case set for non-jury trial on April 8, 1975, at 10:00 A.M.(AEB-J)b nts mld	
4-1-75	17. Mot. for Continuance, filed by Deft. v (o)	
4-3-75	18. Order allowing Deft's motion for continuance, filed.(AEB-J)b cps mld.	
6-26-75	MO: case set for N/J trial on 8-6-75, at 10:00 A.m.(AEB-J)b nts mld	
6-26-75	19. Plaintiffs' Motion for Summary Judgment, filed. mm	
6-26-75	20. Plaintiffs' Memorandum of Law in Support of their Motion for Summary Judgment (Brief), filed. mm	

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JUDGE ALLEN E. BARROW

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D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
6-26-75	MO: It is ordered by the Court that the defendant file a responsive brief within 10 days to the plaintiffs' motion for summary judgment. (AEB-J) cps mld mm	
7-25-75	21. Pltff's appl. to strike from non-jury docket and for oral argument on mot. for S/J not earlier than the last week of August, filed.k	
7-31-75	MO: It is Ordered by the Court that the applic. to strike case from N/J docket filed by Pltff. is sustained & case is set on N/J docket for 10-20-75. IT IS FURTHER ORDERED that the Pltff's applic. for oral argument on motion for Summary Judgment is taken under advisement.(AEB-J)b ltrs mld	
8-25-75	MO: Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k	
9-15-75	MO: Case stricken from non-jury docket of 10-20-75.(AEB-J)b ltrs mld	
10-16-75	22. Answer Brief of Deft. Liberty Mutual Insurance Company, filed. lm	
11-5-75	23. Pltffs' Reply Memo, filed.jj	
11-5-75	24. Affidavit in Support of Pltffs' Mtn. for S/J, filed.jj	
11-5-75	Case called for hearing on Pltff's motion for S/J before Magistrate. Parties present. Pltff's motion is sustained. Pltff. D. Rogers to prepare F&R & Order in 10 days.(MLB-Mag) b	
11-14	MO: Pltff. is hereby granted ten (10) days from this date to submit F&R of Magistrate and proposed Order. (MLB-Mag)k	
11-18	25. F&R of the Mag, filed. Recommend pltffs' mot. for S/J be sustained, that pltff., The Home Ins. Co., recover \$105,000.00 plus int. & costs against deft. ph cps. mld.	
11-24	26 Pltff's Notice re filing of F&R of Magistrate, filed. g	
11-24	27 Pltff's Notice of presentation of Order & Judgment, filed. <i>oty</i>	
11-26	28. Deft's applic. for addit. time to file objections to F&\$ of Mag., filed. hm <i>oty</i>	
12-8-75	29. Order granting Deft on Dec. 8th for additional time to file objections to the F/R of Mag. is extended to Dec. 9th, 1975. (AEB-J)tc cps.mld.	
12-10-75	30. Objections of the deft. Liberty Mutual to the F&R of Magistrate, filed. ph	
12-10	Transcript of hearing on mo/SJ on rule 56 on 11-5-75, filed. (M. Ballard-CR)ph	
12-11	31. Memo. BRIEF in support of obj. to F&R of Mag., filed. lm	
12-12	MO: It is ordered by the Court that the Pltffs, file a responsive brief within 10 days to Objections of the Deft. Liberty Mutual Insurance Company to the Findings and Recommendations of Magistrate. (AEB-J)ph cps mld.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-22-75	32. Answer brief of plaintiffs, filed. g	
7-2-76	33 Memorandum & Order, filed, overruling pltfs' mot. for S/J and sustaining deft's objections to F/R of Magistrate, filed. (AEB-J)g	
7-29	MO: Case set for Non-Jury trial on 9-13-76, at 10:00 A.m.(AEB-J)b nts by cert ml	
7-30	34. Pltfs' mot. for reconsideration of Memorandum & Order of Court filed 7-2-76, filed, w/ affidavit of Harold Davis in support.k	
8-18	35. Pltfs' appl. for continuance of non-jury setting and for inclusion of a certification in the Order of 7-2-76, filed.k	
9-8	MO The Court has for consideration the appl. by pltfs. for a continuance, and being fully advised in the premises, IT IS ORDERED THAT this case is continued from the non-jury docket to be reset on the next non-jury docket. (AEB-J)k cps mld	
11-18	MO: It is ordered by the Court that the deft. file a responsive brief within ten (10) days to pltfs' mot. for reconsideration of memo. & order of Court dated 7-2-76. (AEB-J)k cps mld	
12-7	36 Deft's application for additional time until 12-31-76 to file responsive brief to Pltff's mot. for reconsideration and Order as part of application, filed.s	
12-7	Order, filed, granting deft. until 12-31-76 to file response to Pltff's mot. for reconsideration.s (AEB-J) cps. mld.	
1977 2-14	37. Deft's response to pltfs' mot. for reconsideration of Court's Order of 7-2-76, filed.k	
5-24	38. Order, filed, that the Motion of Plaintiff to Reconsider be & the same is hereby overruled. IT IS FURTHER ORDERED That the application for interlocutory appeal be and the same is hereby denied.(AEB-J)b cps mld	
7-13	MO: Case set for Non-Jury trial on 8-15-77, at 10:00 A.M.(AEB-J)b nts cert ml w/affid.	
8-1	MO: IT IS ORDERED that this case is stricken from the non-jury docket for 8-15-77, to be reset on the next non-jury docket. (AEB-J)k cps mld	
8-12	MO: Case set for non-jury trial on 9-19-77, at 10:00 A.M.(AEB-J)b nts cert w/affid.	
9-12	39. Deft. appl. for continuance. fld. ho	
9-14	40. Order, filed, striking case from 9-19-77, docket, to be reset on next N/J docket.(AEB-J)b cps mld	
9-20	MO: Case set for non-jury trial on 10-17-77, at 10:00 a.m.(AEB-J) nts. by cert. mail w/affid. ho	
9-22	41. Deft's appl. to reset non-jury trial, filed.k o to J	
9-23	42. Order, filed, striking case from N/J docket of 10-17-77, to be reset on Nov. docket.(AEB-J)b cps mld	
10-13	MO: Case set for non-jury trial on 11-21-77, at 10:00 A.M.(AEB-J)b nts cert w/affid.	
11-14	43. Pltfs. trial memorandum of Law. fld ho	
11-17	MO: Upon the advice of the parties, IT IS ORDERED that this case is stricken from the non-jury docket set on 11-21-77, pending settlement.(AEB-J)b nts mld	
11-21	44. Stipulation of settlement, filed.k o to J	
11-22	45. Order of dismissal with prejudice, filed & entered. (AEB-J)k cps mld	